Remarks:

<div align="center">

Status of Claims

</div>

Claims 1-25 were previously pending. By way of this Amendment, claim 1 is amended and claims 8, 10, and 13 are canceled. Thus, claims 1-7, 9, 11-12, and 14-25 are currently pending with claims 1, 15, and 21 being independent.

<div align="center">

Office Action

</div>

In the February 10, 2006, Office Action, the Examiner allowed claims 15-25, indicated that claims 3, 7, and 9-14 would be allowable if rewritten in independent form, and rejected claims 1-14 under 35 USC 102(b) as being anticipated by Saunders (U.S. Patent No. 5,468,092). Applicant respectfully submits that the amendments and arguments made herein overcome the Examiner's rejections and place all claims in a condition for allowance.

<div align="center">

Claims 1-7, 9, 11-12, and 14

</div>

Claim 1, from which claims 2-7, 9, 11-12 and 14 depend, has been amended herein to recite a fourth mating member that is rigidly attached to a third mating member. This feature was originally presented in currently canceled claims 8, 10, and 13. The third and fourth mating member comprise at least a portion of a central bracket, which is operable to be installed between a first and a second bracket, as shown in FIG. 1.

<div align="center">

The Examiner's 35 USC 102 rejections are actually rejections under 35 USC 103
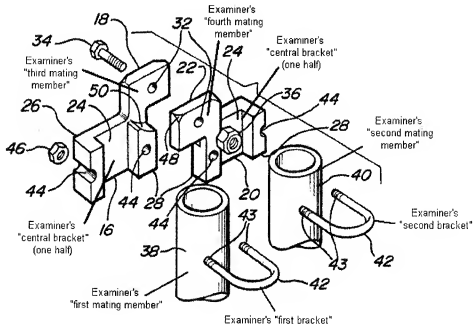
</div>

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the February 10, 2006, Office Action, the Examiner readily concedes that Saunders only suggests various claimed portions of the present invention when "a mating connection is loose." As

<div align="center">

-9-

</div>

Saunders does not disclose or suggest a loose mating connection (such a configuration would render Saunders inoperable for any purpose), the Examiner's reconfiguration of Saunders amounts to an obviousness rejection, governed by 35 USC 103. Further, as Saunders is clearly non-analogous art (it is a clamp for conduit sections unrelated to joint covers), the Examiner may not rely on Saunders as the basis of an obviousness rejection. Thus, all pending claims should be in allowable condition.

Saunders does not disclose or suggest rigid and rotating mating members

The Examiner's identification of the various portions of Saunders FIG. 2 is shown below with annotations.

Saunders (FIG. 2 with annotations)

In the February 10, 2006, Office Action, the Examiner contended that Saunders "third member" and "fourth member" may be rigidly attached. Applicant respectfully submits that if Saunders "third member" and "fourth member" are rigidly attached as suggested by the Examiner, then Saunders' joint is inoperable to rotate as recited in claim 1. Specifically, if Saunders "third mating member" 18 is rigidly connected to the "fourth mating member" 22 utilizing the bolt 34 and

-10-

aperture 32, then the "third mating member" would be unable to rotate with respect to the "first mating member 18" and the "fourth mating member" would be unable to rotate with respect to the "second mating member" as recited in claim 1. As is clearly visible from FIG. 2, once the u-bolt 42 ("first bracket") is coupled with the "central bracket", the groove 44 and aperture 44 would prevent any rotation of the "third mating member" 18 relative to the "first mating member" 38, even when the "mating connection is loose" as hypothesized by the Examiner. The reception of the tubular "first mating member" 38 within the slot 24 further prevents rotation of the "third mating member" 18 relative to the "first mating member" 38.

Thus, Saunders does not disclose all currently recited elements of claim 1 and a rejection under 35 USC 102 is no longer proper. Further, merely rearranging the various parts of Saunders as suggested by the Examiner (i.e. loosening the U-bolts 42) does not suggest all currently recited elements of claim 1, as if Saunders' mating members 18, 22 are rigidly connected as now required by claim 1, they would be inoperable to rotate due to the grooves 44 and slot 24. Therefore, all pending claims are now in allowable condition.

Saunders does not disclose or suggest a cover plate

Claim 1 has been amended herein to positively recite "a cover plate operable to substantially span a gap" between two surfaces. Assuming *arguendo* that Saunders discloses a first bracket, a second bracket, and a central bracket as defined by the Examiner, Saunders does not disclose or suggest a cover plate as its "central bracket" is what would span any possible gap. Thus, Saunders entirely omits a recited element of claim 1, and claims 1-7, 9, and 11-12 and 14 are additionally allowable for this reason.

Claims 2, 4 and 6

The Examiner's rational for rejecting claims 2, 4 and 6 is that Saunders' U-bolt 42 (see figure above) presents a cylindrical socket with a longitudinal slit. Applicant fails to see how a U-shaped bolt can simultaneously present a socket and a slit, even if "socket" an "slit" are given their broadest possible interpretation in light of the present application's specification. Saunders' U-bolt 42
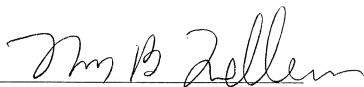
-11-

appears to be comprised of a continuously solid and bent cylinder, thereby eliminating the existence of any "slit." Thus, if the Examiner intends to maintain his rejection of claims 2, 4 and 6, Applicant respectfully requests clarification as to how a U-bolt presents the claimed "socket" and "slit."

Conclusion

Due to the amendments and arguments made herein, claims 1-7, 9, 11-12, and 14-25 are now in allowable condition and Applicant respectfully requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By: _____

Thomas B. Luebbering, Reg. No. 37,874
2405 Grand Blvd., Suite 400
Kansas City, Missouri 64108
(816) 474-9050
ATTORNEYS FOR APPLICANT(S)